

1 Laurence F. Padway, #89314  
Law Offices of Laurence F. Padway  
2 1516 Oak Street, Suite 109  
Alameda, California 94501  
3 Telephone: (510)814-6100  
Facsimile : (510)814-0650

4 Attorneys for plaintiff  
5 Kip Sides

6  
7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA

9 KIP SIDES,

No.

10  
11 Plaintiff,  
12 vs.

**COMPLAINT FOR  
ERISA BENEFITS**

13 CISCO SYSTEMS INC., and  
UNITED HEALTHCARE,

14 Defendants.  
15 \_\_\_\_\_/

16  
17 Comes now plaintiff alleging of defendant as follows:  
18

19 **Jurisdiction**

20  
21 1. This suit seeks review of a failure to extend benefits under a healthcare plan  
22 covered by ERISA, 28 U.S.C. 1132. Federal jurisdiction arises under 28 U.S.C. 1132(f).  
23

24 **First Claim for Relief - ERISA Benefits**

25 2. Plaintiff Kip Sides is a plan participant in the Cisco Systems, Inc., Welfare Benefit  
26 Plan, and a subplan entitled The United Healthcare Medical Plans.  
27

28 3. Defendant Cisco Systems, Inc., is the plan administrator of the Cisco Systems,

1 Inc., Welfare Benefits Plan, and defendant United Healthcare is the plan administrator of the subplan  
2 entitled The United Healthcare Medical Plans.

3  
4 **Claim for Medical Benefits**

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6 4. Mr. Sides submitted various claims in the amount of \$3,289.14 for medical  
7 services provided by Spectracell on August 22, 2014. The claims were denied with the exception of  
8 \$118.57. Plaintiff appealed the denial on June 12, 2015. There has been no response to the appeal.  
9 Mr. Sides further requested the documents under 29 C. F. R. 2560.503-1(m)(8). Some of these  
10 documents are in the possession of United Healthcare, which has not responded to this request.

11  
12 8. Mr. Sides is entitled to an award of benefits due under the Plan, plus prejudgment  
13 interest in an amount to be determined in the discretion of the Court, and to monetary penalties for  
14 the failure to produce documents.

15  
16 9. Mr. Sides has been compelled to retain counsel to collect the benefits owed, to  
17 obtain the documents, and is entitled to reasonable attorneys fees under ERISA in an amount  
18 dependent upon the extent of litigation required and estimated at \$200,000 through trial.

19  
20 Wherefore, plaintiff prays for relief as set forth below.

21  
22 **Prayer for Relief**

23  
24 Wherefore, plaintiff prays for relief as follows:

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26 1. For benefits due under the Plan according to proof, and prejudgment interest  
27 thereon;

1                   2. For an award of interest against defendants according to proof and in accord with  
2 California Insurance Code 10111.2;

3  
4                   3. For statutory penalties for the failure to produce documents as required under 29  
5 C. F. R. 2560.503-1(m)(8).

6  
7                   3. For attorneys fees of \$200,000 or according to proof; and

8  
9                   4. For such other relief as the court deems just and proper.

10  
11                  Dated: August 25, 2015           /s/Laurence F. Padway  
12    Laurence F. Padway  
13    Attorney for plaintiff